

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                                    |   |                           |
|------------------------------------|---|---------------------------|
| ORIX FINANCIAL SERVICES, INC.,     | ) |                           |
|                                    | ) |                           |
| Plaintiff,                         | ) |                           |
| v.                                 | ) | CASE NO. 2:05-cv-1233-MEF |
|                                    | ) |                           |
| EARNEST CHAPMAN, individually      | ) |                           |
| and d/b/a Earnest Chapman Logging, | ) |                           |
|                                    | ) |                           |
| Defendant.                         | ) |                           |

**ORDER**

It has come to the Court's attention that the parties have failed to comply with the requirements of Section 3 of the Uniform Scheduling Order (Doc. # 15) entered by this Court on March 15, 2006, with respect to its requirement of conducting a face-to-face settlement conference at which counsel for all parties engage in good faith settlement negotiations. Pursuant to this Court's Order the face-to-face settlement conference was to have been completed on or before **September 20, 2006**. Section 3 also requires counsel for the plaintiff to file a "Notice Concerning Settlement Conference and Mediation" indicating: (1) that a face-to-face settlement conference was conducted; (2) whether settlement was reached at the mandatory face-to-face settlement conference; and (3) whether the parties believe mediation will assist them in resolving this case short of trial. Counsel for plaintiff is required to submit the Notice Concerning Settlement Conference and Mediation **within five days of the face-to-face settlement conference**. As of the date of this Order, the mandatory Notice Concerning Settlement Conference and Mediation has not been filed as required.

It is hereby ORDERED that:

- a. Plaintiff's counsel file the Notice Concerning Settlement Conference and Mediation by **October 17, 2006**.
- b. Plaintiff's counsel must show cause by **October 17, 2006**, why the Court should not sanction them pursuant to Federal Rule of Civil Procedure 16(f) for failure to comply with the Uniform Scheduling Order in this case.

DONE this 11th day of October, 2006.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE